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07 UNITED STATES DISTRICT COURT
08 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

09 UNITED STATES OF AMERICA,)
10 Plaintiff,)
11 v.) Case No.: CR04-360-RSL
12 ALVIN SHANTEZ POTTS,) DETENTION ORDER
13 Defendant.)
14 _____)

15 Offense Charged:

16 Felon in Possession of a Firearm, 18 U.S.C. §§ 922(g)(1) and 924 (a)(2).

17 Date of Detention Hearing:

18 On March 2, 2006, the defendant made his initial appearance. On March 7, 2006 a
19 detention hearing was held before United States Magistrate Judge Monica J. Benton after which,
20 defendant was released on an appearance bond that included restrictions that he comply with
21 electronic home monitoring, obey a curfew, not use cellular phone or other electronic devices,
22 avoid certain areas of the City of Seattle, and not use, consume, or possess a controlled substance,
23 unless the substance was prescribed to him by a physician.

24 On March 28, 2006, in response to allegations of violations of the appearance bond, the
25 defendant was ordered detained, pending an evidentiary hearing. Dkt. No. 13. On March 31,
26 2006, the defendant had an evidentiary hearing before the Honorable Monica J. Benton. He

01 admitted violations 1- 4. An amended bond was ordered, which added an obligation that the
02 defendant participate in the Global Positioning Service program. Dkt No. 16. On April 19, 2006,
03 the defendant pleaded guilty to Count 1 of the Indictment and was permitted to remain on bond.
04 Dkt. No. 17-19. On June 5, 2006, Pretrial Services filed a Petition for Warrant for Defendant
05 Under Pretrial Services Supervision, alleging that the defendant had violated the terms and
06 conditions of his bond as follows:

07 1. Alvin Potts has violated the special condition that he participate in the Global
08 Positioning System (GPS) program and abide by all requirements of this program as directed by
09 Pretrial Services by failing to maintain a working telephone line at his residence on or about June
10 5, 2006.

11 2. Alvin Potts has failed to comply with the special bond condition that he participate
12 in the Global Positioning System (GPS) program and abide by all requirements of the program
13 as directed by Pretrial Services by failing to provide verification of his school enrollment as
14 directed by U.S. Pretrial Services Officer Todd Skipworth.

15 This was supplemented by a Report of Supplemental Violations, filed August 4, 2006,
16 charging the defendant with the following violations:

17 3. Alvin Potts has violated the special condition of supervision which prohibits him
18 from frequenting the University District of Seattle, Washington by being arrested in the University
19 District of Seattle on or about August 3, 2006.

20 4. Alvin Potts has violated the special condition of supervision which prohibits him
21 from using any cell phone or other electronic device by being in possession of a cellular phone in
22 the University District of Seattle on or about August 3, 2006.

23 5. Alvin Potts has violated the special condition which directs him to abide by all
24 requirements of the global Positioning System (GPS) program by cutting off his ankle transmitter
25 without authorization of U.S. Pretrial Services.

26 On August 4, 2006, the defendant appeared before the undersigned Magistrate Judge. He

01 was advised of his rights in connection with the government's motion to revoke the bond. At the
02 hearing, the defendant admitted violations 1, 3, 4 and 5. The government dismissed alleged
03 violation number 2.

04 The Court then considered whether the bond at issue should be revoked. Pursuant to CrR
05 32.1, CrR46(c) and 18 U.S.C. § 3142(f), and based upon the factual findings and statement of
06 reasons for detention hereafter set forth, finds:

07 FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

08 (1) On March 7, 2006 defendant was released on bond with pretrial supervision and
09 special conditions. After being taken into custody for violating this bond, he was again released
10 on an amended bond on March 31, 2006.

11 (2) The defendant has failed to abide by the terms of both bonds, and has admitted the
12 same.

13 (3) The defendant has pleaded guilty to Count 1 in the Indictment.

14 (4) There appear to be no conditions or combination of conditions other than detention
15 that will reasonably assure the defendant's appearance at future Court hearings as required , and
16 that will address the defendant's danger to the community.

17 IT IS THEREFORE ORDERED:

18 (1) Defendant shall be detained pending trial and committed to the custody of the
19 Attorney General for confinement in a correction facility separate, to the extent
20 practicable, from persons awaiting or serving sentences or being held in custody
21 pending appeal;

22 (2) Defendant shall be afforded reasonable opportunity for private consultation with
23 counsel;

24 (3) On order of a court of the United States or on request of an attorney for the
25 government, the person in charge of the corrections facility in which defendant is
26 confined shall deliver the defendant to a United States Marshal for the purpose of

01 an appearance in connection with a court proceeding; and

- 02 (4) The Clerk shall direct copies of this Order to counsel for the United States, to
03 counsel for the defendant, to the United States Marshal, and to the United States
04 Pretrial Services Officer.

05 DATED this 7th day of August, 2006.

06 s/ James P. Donohue
07 United States Magistrate Judge
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